

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

CHRISTOPHER D. ELLIOTT, JR.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

CIVIL ACTION No. 6:13-cv-00029

ORDER

JUDGE NORMAN K. MOON

I granted the pro se Plaintiff's motion for leave to proceed *in forma pauperis* in this Social Security appeal, and the matter was referred by standing order to United States Magistrate Judge Robert S. Ballou for proposed findings of fact and a recommended disposition. The Commissioner of Social Security filed its answer and the administrative transcript, but Plaintiff failed to file a brief as directed by Judge Ballou's briefing notice. Thereafter, Judge Ballou entered an order directing Plaintiff to file a brief in accordance with the briefing notice or show cause why the matter should not be dismissed for failure to prosecute. Plaintiff has not responded. The docket reflects that the court's orders and notices have been mailed to Plaintiff at the mailing address of record, and none of the court's mail to Plaintiff has been returned as undeliverable.

Subsequently, Judge Ballou filed a Report and Recommendation ("Report") recommending that the complaint be dismissed for failure to prosecute. The docket reflects that the Report was mailed to Plaintiff and has not been returned as undeliverable. After a review of the record, which discloses that Plaintiff has failed to take any action regarding this matter since filing the complaint in April 2013, and no objection having been filed to the Report within

fourteen days of its service upon the parties, I ADOPT the Report (docket no. 14) in its entirety. Accordingly, the case is DISMISSED without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, and this action is STRICKEN from the court's active docket.

The Clerk of the Court is directed to send a certified copy of this order to all counsel of record, to United States Magistrate Judge Robert S. Ballou, and to the pro se Plaintiff at his mailing address of record.

It is so ORDERED.

ENTER: This 15th day of July, 2014.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE